

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Neil Duggal, et al.	)	
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Serial No.:	10/590,139	)	
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Filed:	February 11, 2008	)	Group Art
		)	Unit:
For:	ARTIFICIAL SPINAL DISC	)	
		)	
Examiner:		)	
		)	

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed listed references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56. Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned associate believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

STATEMENT OF RELEVANCE OF REFERENCES LISTED UNACCOMPANIED BY  
ENGLISH TRANSLATION UNDER 37 CFR § 1.98(A)(3)

In accordance with 37 CFR § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided.

1. EP176728A1 An intervertebral disc endoprosthesis comprises two symmetrical, concave end plates with an intermediate convex spacing piece. The end plates and the spacing piece have a plane guide rim. The end plates either have an edge shoulder or an annular groove for a toroid provided on the spacing piece. Alternatively, the intervertebral disc endoprosthesis comprises two asymmetric end plates and a spacing piece, however, the two areas of movement are offset by 90 DEG in relation to each other and are partial surfaces of a cylinder. In the third variation, the two symmetrical end plates are convex, the spacing piece is cylindrical as well as concave at the two ends and has a durable cover.
2. EP298233A1 The intervertebral prosthesis, which can be implanted from the ventral direction, consists of a disc-shaped prosthesis body (1) on whose ventral edge (3) there are tabs (4) with through openings (5) for bone screws. The new prosthesis guarantees, as an intervertebral disc replacement, a stable stiffening (arthrodesis) of two vertebrae (6) relative to one another, both immediately after implantation by means of screwing to the vertebrae (6), and in the long term by means of the incorporation and adherence of bone tissue.

Dated this the 4<sup>th</sup> day of December 2008.

Respectfully submitted,

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